

**MINUTES OF A REGULAR MEETING  
OF THE  
BOARD OF TRUSTEES  
OF THE  
TOWN OF BUENA VISTA, COLORADO**

**June 9, 2009**

**WORK SESSION**

A work session convened at 6:00 PM at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado to discuss off-street parking. Those present were Mayor Russell, Trustees Keith Baker, Joel Benson, Mark Boston, Norm Nyberg, Brett Mitchell, Robert Flint, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Town Planner Shannon Haydin, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer.

Sue Boyd noted the Board requested a work session on off-street parking that stemmed from the Asian Palate request for cash-in-lieu fees for off-street parking, Town Attorney Phillips has provided information on financing options, the Town adopted an ordinance in 2008 adopting the cash-in-lieu fees for off-street parking to deal with trying to meet off-street requirements on E. Main and we have not had a chance to research parking demands.

Discussion followed on the current code is "onerous" on new businesses; allowing time for a thorough analysis for an alternative on the requirement; rescinding the cash-in-lieu fee and reviewing on a case-by-case basis for new businesses; existing businesses are not affected by this section of the code; look at experience of the gaming communities; spreading the cost of municipal debt over 30 years; rescinding Ordinance #10; evaluating getting a parking study done on needed off-street parking; if the ordinance is rescinded a new business could apply for a Variance and show hardship of getting the required parking spaces; reducing the cost per space i.e. \$600 per space to generate fees for municipal parking; forming a Business Improvement District to fund the parking; do an in-house parking study after we are full-staffed; Sec. 16-236.5 (2) i.e. changing payment requirement. Consensus was an amendment to this subsection in lieu of rescinding the ordinance (25% per annum....in payments). The work session concluded at 6:33 PM.

**CALL TO ORDER**

A Regular meeting of the Board of Trustees was called to order at 7:19 PM, Tuesday, June 9, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Mark Boston, Keith Baker, Norm Nyberg, Robert Flint, Brett Mitchell, Joel Benson, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Town Planner Shannon Haydin, Airport Manager Bob Johnson, Public Works Director Roy Gertson, Police Chief Jimmy Tidwell, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer.

**ROLL CALL**

Town Clerk Spomer proceeded with the roll call and declared a quorum.

**PLEDGE OF ALLEGIANCE**

Mayor Russell led in the Pledge of Allegiance.

**AGENDA ADOPTION**

Town Clerk Spomer requested the addition of a Street Closure Request from the Buena Vista Public Library as Item #C under Consent Agenda.

Attorney Phillips noted we are required to post all items on the agenda but, since it was only received today, it is appropriate to act upon it pursuant to Colorado Open Meetings Law.

Mayor Russell requested the addition of Item G "Discussion of an ordinance allowing renewable energy sources in our various zones" under New Business.

**Motion #1** by Trustee Boston, seconded by Trustee Mitchell, to adopt the agenda as amended. Motion carried.

### **CONSENT AGENDA**

#### **A. Minutes**

1. Regular Meeting – May 26, 2009

#### **B. Advisory Board Minutes**

1. Airport Board
2. Trails Advisory Board

#### **C. Street Closure**

Should the Board approve a request from the Buena Vista Public Library to close the area between the south end of the library parking lot to the south side of the entrance to the County Offices on June 18 from 5:30 PM – 8 PM to park a traveling van for patron/visitor access?

Trustee Benson stated that on page 14, the last bullet and last sentence beginning "discussed fairness in Town" the whole sentence is convoluted and requested it be removed.

Mayor Russell asked if the request was for a temporary unit by the Library. Discussion followed on the mobile unit not being in the way of Police and Fire for the one day.

**Motion #2** by Trustee Benson, seconded by Trustee Boston, to approve the Consent Agenda as amended. Motion carried.

### **PUBLIC COMMENT**

Jed Selby held his comments until the agenda item was discussed.

### **OLD BUSINESS**

#### **DISCUSSION OF THE PLAT APPROVAL FOR THE HEIMAN INTERMEDIATE SUBDIVISION**

Town Planner Shannon Haydin noted there were a number of items included in the original motion made by the Board, in reviewing them with the applicant they felt it was burdensome for what they wanted to accomplish. Shannon outlined the original conditions of approval and the request from the applicant for deferral of payments or specific requirements and did not find any that couldn't be addressed at another period in time i.e. building permit. Given the nature of the area and level of infrastructure and in light of the subdivision it came from, staff feels it would be appropriate to have them treated similarly and requested approval of a resolution as approved at a previous meeting and stated the plat map needs to be finalized based on direction from the Board.

Sue Boyd under staff recommendation on the "waiver of drainage plan" should be a "deferral until such time as the building permit is issued". Roy is OK with it being deferred and wants a drainage study to ensure the road is not flooded. Staff is looking for consensus of staff recommendations being acceptable before moving forward with a formal resolution and plat map. A resolution and plat map will be ready for the next meeting - this has been done in the interest of the applicant. Consensus was to prepare and bring back at the next meeting. Trustee Benson suggested having a future discussion on "what a landscape plan is" for major subdivisions.

#### **SHOULD THE BOARD APPROVE AUTHORIZATION FOR MATCHING FUNDS FOR THE COUNTY ENERGY PLAN**

Sue Boyd advised this item has been before multiple jurisdictions, when it went before the Commissioners they asked the Administrators to meet and bring something more meaningful. It is a planning document, a portion would go to a facilitator to make it happen, some community education and planning and funds for feasibility studies will be built into the \$50,000, the County will be the fiscal agent, Buena Vista is the last jurisdiction to approve matching funds - all the others have approved and authorized theirs. Our match is for \$2,108 for a total project budget of \$50,000 and will prepare Chaffee County to pursue some of the Governor's Office energy funds.

Discussion followed on "energy economy" and what it means e.g. economic development projects that are tied to development of renewable energy resources; companies have taken an interest in the County; is there a necessity for another study; making sure something tangible comes from the project; funds would come from a budget amendment; available meeting space being used for in-kind; do not know who the steering committee; some of the items and studies have already been done and do not see the necessity/need; no jurisdiction has staff time to pursue; there is a lot of energy at the State level for the local communities to participate; this prepares the County to access available resources; spending tax payer funds to get tax payer funds; this could increase the Town's chance of getting funds for solar assistance on new buildings like a Town Hall.

**Motion # 3** by Trustee Mitchell, seconded by Trustee Baker, to approve the \$2,108. Roll call vote: Boston-nay, Benson-nay, Mitchell-aye, Flint-aye, Baker-aye, Nyberg-aye. Motion carried.

#### **NEW BUSINESS**

#### **SHOULD THE BOARD APPROVE A LICENSE AGREEMENT WITH S. MAIN TO INSTALL OFF-PREMISE SIGNS ON TOWN PROPERTY?**

Town Planner Haydin stated the request is for a license agreement for two off-premise signs to be placed on Town property in the ROW with a staff recommendation to approve with the condition that they get necessary permits for the off premise-signs with a variance to be heard in two weeks at a noticed Public Hearing because of the size of the signs. The sites do not cause any health or safety issues, the signs direct traffic to a district and are not an advertisement for a specific business.

Jed Selby added that the proposed signs are way-finding signs for business districts so people can find S. Main since they are not visible unless you know where you are going or see the signs. S. Main has promised a viable commercial area and feels this is important to make it work for them, they are looking for "effective" locations and one is in front of Trader Tads. The Variance request will be for 4' x 6' signs.

Discussion followed on a "way finding" sign system coming in the future; locations are where future infrastructure will be built i.e. sidewalks and street trees; tonight's request is for placement of the signs on Town property; utilizing directional arrows on the signs.

**Motion #4** by Trustee Boston, seconded by Trustee Flint, to approve the request to enter into the license agreement with contingencies. Motion carried. A recess was taken from 7:57 PM to 8:03 PM.

#### **SHOULD THE BOARD APPROVE A REQUEST FROM ACA PRODUCTS FOR AN EXTENSION OF THE CONTRACT FOR THE E. MAIN STREET PROJECT?**

Roy Gertson expressed that the Town has a contractor that did a good job for us; the contract expired and they have requested an extension; we're out of business district except for street and parking striping and should impact businesses minimally; work remains on Beldan for this week and then done with closing E. Main; sidewalk work remains in front of New Bees; we are sure all concrete work will be done on bump-outs this week.

John Hollenbeck, ACA Products, thanked the Board for awarding them the job and expressed it has been a good one for them; the quality of the concrete work from SCE was excellent; Main Street was not open

one weekend due to a weather delay; had a few weather delays and added some items to the contract that added to the contract also; one reason they did not get through the contract as desired was because of added concrete and tried to please some of the businesses to get Colorado ready for the Paddle Fest weekend; we heard from citizens that the project is nice and they are pleased; some businesses have a problem with the bump-outs; ACA feels the project will be a benefit to the community and requested the contract extension due to weather delays, CDOT permit delays and added items to the contract.

Jerry Burgess, SGM, agreed with the quality of the work; there were lots of detail on the drainage and it works well; the question tonight is a time extension of 29 working days. Jerry talked to John today and had the following comments: CDOT wheels do not move so quickly; the critical path of the project was getting started and it is justified; 4 weather days are justified; change order on concrete in-fill was on critical path and is justified; the time frame works out to 15 working days or June 26 with estimates.

Discussion followed on the delay with CDOT (traffic loops); compromise was from 29 working days to 15 days and both agree it is a workable time frame; in extending the contract it states they are not responsible for liquidated damages prior to that time; John feels the project will be substantially complete by June 17; drainage is much better along Main Street now; a lot of teamwork was involved.

**Motion #5** by Trustee Benson, seconded by Trustee Mitchell, to approve the extension request to June 26. Roll call vote: Benson-aye, Flint-aye, Mitchell-aye, Nyberg-aye, Boston-aye, Baker-aye. Motion carried.

#### **SHOULD THE BOARD APPROVE THE AIRPORT BOARD RECOMMENDATION FOR AIRPORT LAYOUT?**

Administrator Boyd stated the Town engaged Aviation to work on the airport layout to get ground leases for people who want to develop hangars; we need a little more work on the rules & regulations, ground lease issues and so on. To allow some pieces to come forward we are bringing the layout question before the Board, the Airport Board reviewed with five layout options and narrowed it down to three and have recommended Alternative 2 with a row of proposed hangars above the existing hangars and to proceed to get the layout plan which is a formal FAA document being prepared to get leases out the door.

Discussion held on additional pavement in front of the hangars should be paid for by the Town, standard policy is that the area in front of a hanger is paid for by the owner of the hangar - the Airport Board is still discussing this concern; approve the layout recommendation and bring a ground lease back; Airport Board is well aware of urgency to move forward on the leases.

**Motion #6** by Trustee Benson, seconded by Trustee Boston, to approve alternative 2 as recommended by the Airport Board. Discussion held on Alternative #2 does not show tie-downs – depending on funding in 2011 the plan is for an apron expansion program that will black top that area; there are three new hangar spaces near the county road and a large one at the existing terminal with two hangar spaces far to the north near the county road and the fuel area. Motion carried.

#### **SHOULD THE BOARD APPROVE A CONTRACT ASSIGNMENT FROM ASMI FOR THE CENTRAL COLORADO REGIONAL AIRPORT?**

Sue Boyd advised this contract is for the AWOS System, the company we contracted with originally was sold and is a house-keeping measure.

**Motion #7** by Trustee Flint, seconded by Trustee Boston, to approve the contract. Roll call vote: Boston-aye, Flint-aye, Benson-aye, Mitchell-aye, Nyberg-aye, Baker-aye. Motion carried.

#### **DISCUSSION OF AMENDMENTS TO THE COMMUNITY CENTER POLICIES**

Mayor Russell excused herself from the discussion and Mayor Pro Tem Flint chaired the discussion.

Sue Boyd introduced the discussion as a result of requests received to encourage the Town to look at use of the facility for non-profits for fundraisers who could get a Special Event Liquor License to serve alcohol and be allowed to serve food in the Pinon Room. The Policies will need to be looked at in their entirety. Trustee Flint noted he is a member of the Optimist Club and they are requesting use of the facility and stated he would abstain from the vote.

Town Clerk Spomer added that she received a request from the Chaffee County Democrats and recommended a damage deposit of \$250 with the application of a Special Event Liquor License to allow serving of alcohol.

Chief Tidwell's concern was that applicants do not violate the Liquor Code, the Police Department does not have a problem with the recommendation and 99% of the time they do not have any problems.

Discussion held on the fees associated with a Special Event License; change first sentence "required if alcohol is sold" but Town Code states you cannot serve alcohol on Town property without approval for the premises to be licensed.

**Motion #8** by Trustee Baker, seconded by Trustee Mitchell, to amend the Community Center policies to allow the consumption of alcohol at the Community Center subject to Town Code and a Special Event Liquor License. Discussion held.

Trustee Baker amended his motion to include food in the Pinon Room, seconded by Trustee Mitchell. Motion carried.

#### **DISCUSSION OF GARAGE SALE SIGNS**

Mayor Russell requested this item at the previous meeting; per Section 16-63 1 (d) in the Municipal Code four are allowed per year. Discussion held on what constitutes one sale (72 hours); adding a line on the water bills advising the residents how many are allowed. Consensus of the Board was that the current code is fine, add a note to the water bills and utilize Code Enforcement. Discussion followed on Temporary signs and special/limited sales signs should be removed within two weeks from the date of purpose and are prohibited in a ROW.

#### **RECONSIDERATION OF AN ORDINANCE TO ALLOW RENEWABLE ENERGY SOURCES IN VARIOUS ZONE DISTRICTS**

Mayor Russell referenced an ordinance on small wind generators that went through P&Z and then the Board and failed because of 1) were only allowed in a business zone and not residential and 2) blocking scenic view sheds. Cara suggested Council look at zoning and see what is possible for wind energy, bio mass and keeping up with new energies and asked for input on sending back to P&Z for consideration. Discussion held on solar panels on roofs (as long as the structure meets height requirements they are ok); the motion before the Board at the time died due to lack of a second and lack of specificity. Shannon and Lee can look at resources and put before P&Z. Mayor Russell will advise Evelyn Baker.

#### **STAFF REPORTS**

##### **TOWN ADMINISTRATOR/DEVELOPMENT STATUS REPORT**

Town Administrator Boyd had the following items to cover:

- We received an invitation to attend a meeting at the Steam Plant Thursday at 5 PM with Gail Schwartz on Community conversation on a renewable energy forum and will forward the notice.

- Attended the Colorado Airport Operators Assoc. meeting that was informative, met some consultants that may be helpful in resolving challenging issues, it is not a budgeted item at this time but wanted to throw the concept out for a later date.
- We discussed a ribbon cutting Friday but we postponed it and do not have a new date yet.
- Introduced to Shannon Haydin, noted she is getting her feet wet quickly and am appreciative of her skills & knowledge. Shannon expressed her excitement to be here, great things are happening and wants to be a part of it.
- Boulder Construction at S. Main Park is underway. Christine noted they will pour footers tomorrow at Eddyline. Mayor Russell suggested staff do a press release.
- There was confusion on the OHV conversation in the community; the Commissioners discussed in a work session and opted not to put it on their regular agenda and asked for input from Council. Mayor Russell noted she spoke with Commissioner Giese and that we will not discuss until the County does something and they want to hear from the Town first. Discussion followed on no businesses have stated that they will get business; Trustee Mitchell liked it in theory but traffic on County Roads is prohibitive. Consensus of Council was for Sue to send a letter to Carl Bauer noting we will not change our policies at this time and it will not be on the agenda.
- We have a work session on June 23 designed to get updates from the Advisory Boards in preparation for the budget process, the Airport Board & P&Z are not in the group.
- Trustee Nyberg asked for updates on Texaco. Sue is hopeful when we are full-staffed she will be able to work on it.

**DEVELOPMENT STATUS UPDATE REPORT:** Heiman Subdivision: next step is a Special Use Permit. Rancho Vaquero: has kind of dropped off and Shannon will contact the applicant. True Value: got stalled and we need more conversation on EQR with Roy and the application thereof. Sunset Vista IV: we have been notified the Court has cleared the sale of parcels out there. S Main: have an inspection set up for this Thursday per Roy. Meadow Ridge: consulted with the Town Attorney who indicates that based on the deed that is all we need for conveyance of infrastructure and need to determine the value of the items and it will be complete. Trustee Benson asked about the piles of dirt. Roy advised he got some soil for our lot improvement and knocked the hills down and closed in the caves, talked to owner about putting up a fence but he did not feel it will solve the problem, there are no new holes and is a liability and can talk to the owner about laying the pile out lower, as-builts are completed. Cottage Glen: they are working toward Final Plat in July before P&Z and before the Board in August. Colorado Center: we are working on issues and the applicant wants to proceed with the small piece, but we need the D.A. approved first which means projecting conditions that will trigger the requirement for various pieces of infrastructure to meet their commitments. Mayor Russell asked about items that may expire and watching them. Sue noted they were anxious to move forward because they were pushing a timeline last fall i.e. timed approvals.

#### **TOWN TREASURER:**

- Christine mentioned looking into what was available for used vehicles and provided that update, we put \$10,000 in the budget for an airport shuttle vehicle and got no bids; Bob went to all used car lots and found four as outlined; after discussing the two pick-up trucks would need a cab but the 2000 Suburban and 2004 Excursion will meet the shuttle requirement; they have less mileage for less money and the Ford Excursion looks like the best option and asked for input; we negotiated a price with new brakes, power steering lines, transmission flush etc. Discussion held on income potential (\$10 RT shuttle fee per trip); jet traffic is down but general aviation is above normal and fuel sales make us a little low; looking for tentative testing with more on the ground than last year; our decline is not as significant as other airports;

**Motion #9** by Trustee Flint, seconded by Trustee Mitchell to purchase the 2004 Excursion for not more than \$12,000. Roll call vote: Mitchell-aye, Flint-aye, Benson-aye, Nyberg-aye, Baker-aye, Boston-aye. Motion carried.

- Mayor Russell asked about overall tax projections at the County level and asked if they anticipate any changes. Christine has had no conversations with them but can ask, did not know how they budgeted revenue for this year but our total sales tax is right on budget.
- Trustee Nyberg asked about the new police vehicles. Christine noted she is planning on getting them but do not know where we stand on ordering, she was told June 15, the Dealer is trying to

get the information on when the new year will open up and when we can expect them. Norm asked if we can get the two fixed i.e. Gary Puckett's & Kammi's (people from out of town commented on how they looked). Chief Tidwell advised it is hard to take them off-line to get fixed because of the waiting period.

- Mayor Russell stated it is good to see our airport is buying local coffee.

#### **POLICE DEPARTMENT/CODE ENFORCEMENT/MUNICIPAL COURT**

- Mayor Russell referenced the citation report and safety belt systems and asked if it is with Click it or Ticket. Jimmy advised it is and is now over. Cara asked how Municipal Court was going. Jimmy stated there has been a lot of discussion and the defendants want to talk to the Municipal Attorney; the Police Department had team meeting on the 4<sup>th</sup> and Christine answered questions on FLSA and the new pay policy; he and Diane touch base weekly on liquor licenses and she deserves credit on her processing of them.

#### **TRUSTEE/STAFF INTERACTION**

- Trustee Boston asked about the vehicles on the S. end of the Highway. Sue advised staff has not found any code violations except for the rope fence and they do have a business license.
- Trustee Benson stated that on parking during Paddle Fest they hadn't painted the "no parking" stripes next to the green at the start of the event.
- Trustee Benson asked Roy about exploring leasing options to others on the Meadow for farming, dairy or for grazing animals, noted the future for the farm on the Meadow is unknown and expressed the need to maintain the quality of the water. Roy stated the town is protective of the Gorrel Meadow and the gallery system underneath; one regulation from the State Health Department was that we would not graze or use pesticides/herbicides and any land use would have to go through State Health for their approval; we are irrigating and cutting hay now but not using fertilizer; we have a proposal on a hydrologic study of the meadow and will bring before Council soon. Joel asked about the pizometers. Roy advised that the table has come up ½ of a foot, we measure every week and are sending results to the engineers and Cyndi Covell; it is a long term process and have asked for a more complete survey (2 foot contour) that will be brought before Council; the pizometers sit in the very lowest part of the meadow and will be a long-range project for dry-up.
- Trustee Benson asked for the status of the sign code. Sue stated we were waiting for the Town Planner to facilitate and P&Z is anxious to not let it die. Joel noted a discussion on five or six codes that don't work very well, it is a guide and is broken and needs to be fixed. Discussion followed on getting it in alignment with the Comp. Plan, implementation of the Comp. Plan.
- Mayor Russell asked about Town Clean Up. Roy advised they are set for Saturday at the yard and are taking names for pick up. Cara asked if the Town has looked at what they need to get rid of. Christine noted Public Works carried out numerous items from Town Hall. Cara reminded everyone Ride the Rockies will be coming through on the 17<sup>th</sup>, she will be at CML Conference that day and encouraged Council to be out and wave.
- Trustee Baker stated the Bicycle Tour of Colorado is on the 26<sup>th</sup> & 27<sup>th</sup>; has been thinking about the Town Seal being reworked and maybe the Cupola from the Museum could be used; Hwy. 24 does not have a name and it could be renamed "Collegiate Peaks Boulevard" or "Saguache Parkway" to honor our heritage. Discussion followed. Keith noted GARNA has a new brochure targeting heritage tourists; there was a nice letter in the paper that thinks a light passenger car on the railroad would help tourists and there was an ad in the CML bulletin stating CDOT has established a special branch/division of "transit and rail" and encouraged Council on that idea; a teacher, Dave Bott, is interested in taking on the Safe Routes to School Program.
- Trustee Boston asked if the Town should pursue options on the 58 acres for sale at the airport. Sue expressed we should consider reviewing the entire land use near the airport and the contemplated crosswind runway only incorporates a sliver of that property. Bob Johnson is working on a report for staff for consideration of airport properties to prohibit encroachment and for future development plans.

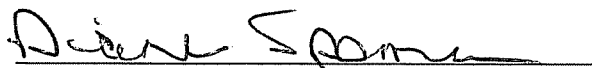
- Mayor Russell asked if Shannon could be our representative on the Chaffee County Heritage, but she will be out of pocket soon, Bob will continue as our representative and then Council can approve.

#### **ADJOURNMENT**

**Motion #10** by Trustee Boston, seconded by Trustee Mitchell, noting that there being no further business to come before the Board declared that the meeting be adjourned at 9:41 PM. Motion carried.

Respectfully submitted:

  
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Mayor, Cara Russell

  
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Town Clerk, Diane Spomer